

AFFIDAVIT

I, Kenneth J. Benton, having been duly sworn, do hereby depose and say, that:

1. I am a Special Agent ("SA") assigned to the Lakeville office of the Federal Bureau of Investigation ("FBI"). I have been with the FBI since December of 1987 and have during that time been involved in numerous investigations involving bank robberies and interstate theft of stolen property.

2. I am aware that Title 18 United States Code ("U.S.C.") Section 2113(a), makes it a crime for anyone to use force and violence, or intimidation, to take money belonging to or in the care, custody, control, management, possession of any federally insured bank. Having said so, I make this affidavit in support of a criminal complaint charging an individual named Michael O'Donnell ("O'Donnell") with the robbery of the Enterprise Bank at 237 Littleton Road in Westford, Massachusetts ("MA"), on April 1, 2003, at approximately 1:30 p.m.

3. The facts stated herein are based on my own personal involvement in this investigation and my discussions with other law enforcement officers also involved in this investigation. In submitting this affidavit, however, I have not included each and every fact known to me about this investigation, but only

those facts which I believe are sufficient to establish the requisite probable cause.

4. On April 1, 2003, at about 1:30 p.m., a white male entered the Enterprise Bank at 237 Littleton Road in Westford; the bank was at all relevant times insured by the Federal Deposit Insurance Corporation. Based on collective descriptions provided by witnesses to the robbery, the man was approximately 6'1", thin to large build, wearing a blue or black jacket, blue jeans, rubber gloves and sneakers, and armed with a black gun. Witnesses described the age of the robber as anywhere from in his 20's to 30's, and stated that he was wearing a mesh, dark colored, see-through nylon mask. The man approached a teller and yelled words to the effect, "Don't do anything stupid." "Give all your money and no dye packs." The man then went to all three tellers and collected in the aggregate \$8,923.00. When one bank employee went to pick up a phone to call 911, the man pointed the gun at the employee's face and stated, "If you touch that phone, I will put this gun through you." The man then fled the bank. Witnesses observed that the man dropped some money as he left the bank and then fell at one point on the way to the getaway car.

5. As part of the investigation, Westford Police officers reviewed bank surveillance tape of the robbery and of events

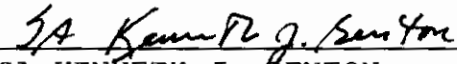
occurring before the robbery. Among other things, they determined that a woman had entered the bank and asked for change for a \$5.00 bill about 30 minutes before the bank was robbed. Bank employees did not recognize her as a customer and officer subsequently posted surveillance photographs of her and the robber on the internet in an effort to obtain further information. Someone who observed the photo of the woman on the website identified her as Kira Cassano of Malden, MA. On May 2003, Westford and Malden police officers located and met with Kira Cassano. Cassano was shown the surveillance photo of the woman who had entered the bank and admitted that it was her. Cassano also observed a surveillance photograph of the robber and identified him as Michael O'Donnell. While denying any knowledge of the robbery, Cassano stated that she had driven to near the bank with O'Donnell. She stated that he directed her to go into the bank and ask for change. When she returned, he asked her if there were a lot of people inside and whether the teller windows had glass in front of them. She stated that he then said he had to go to the bathroom and left the car with a plastic bag. She stated that he returned a few minutes later and was sweating. Cassano stated that O'Donnell directed her to drive, but not too fast, back to Malden.

6. Law enforcement Officers met with Cassano again on October 16, 2003. On this occasion, Cassano acknowledged that her initial story had not been completely truthful. Cassano stated that she was in fact aware that O'Donnell was planning rob the bank, and she drove him there for that purpose. She stated that she and O'Donnell were heroin addicts who were looking to get money to buy drugs. She stated that she drove them to the bank in her car, and then entered the bank to case for the robbery. When she came back, she informed O'Donnell of the layout and he then went in to commit the robbery.

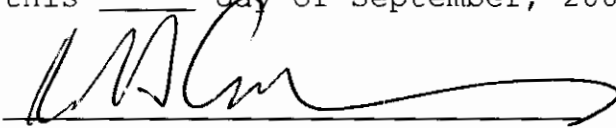
7. On October 22, 2003, I met with Michael O'Donnell at the U.S. Attorney's Office in Boston, MA. I advised O'Donnell of his rights and he agreed to speak to me regarding the robbery of the Enterprise Bank among other things. O'Donnell stated that he did not remember the actual name of the bank but stated that he and Cassano robbed a bank in Westford, MA "two or three days" after his birthday on March 29, 2003. O'Donnell stated that he and Cassano were "dope sick" and needed money for drugs. He stated that they surveilled a few area banks before choosing one. O'Donnell stated that he wore a dark green coat, blue jeans, latex gloves, a nylon stocking mask and a baseball hat, and was armed with a toy gun. He stated that he did not use a bag but,

rather, grabbed the money with his hands and ran out of the ba . Consistent with what witnesses observed, O'Donnell recalled th he dropped some money as he left the bank and also fell down a one point on the way back to Cassano and the car. Finally, I showed O'Donnell the bank surveillance photograph of the robbe and he admitted that it was he in the photo.

7. Based on the foregoing, I believe that there is probable cause to conclude that on April 1, 2003, Michael O'Donnell, by force and violence, or by intimidation, took from the person a presence of employees of the Enterprise Bank at 237 Little Road in Westford, MA, money belonging to and in the custody, control, management, and possession of the Enterprise Bank, a federally insured financial institution, in violation of 18 U.S.C. Section 2113(a).


SA KENNETH J. BENTON
Special Agent
Federal Bureau of Investigation
Boston, Massachusetts

Subscribed and sworn to before me
this SEP 20 2005 day of September, 2005


ROBERT B. COLLINGS
United States Magistrate Judge